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**ORIGINAL**

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of )  
 )  
Review of the Commission's Rules )  
Regarding the main studio and )  
Local public inspection files of )  
Broadcast television and radio stations )

MM Docket No. 97-138

47 C.F.R. §§ 73.1125,  
73.3526 and 73.3527 )

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**COMMENTS OF THE  
NATIONAL ASSOCIATION OF BROADCASTERS**

**NATIONAL ASSOCIATION OF  
BROADCASTERS**  
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## SUMMARY

The National Association of Broadcasters ("NAB") submits these Comments in response to the Commission's *Notice of Proposed Rule Making* released May 28, 1997. NAB believes that both the main studio and the local public inspection file rules should be modified to provide greater flexibility and efficiency for licensees. However, the rules should also maintain "reasonable accessibility" for the public.

NAB suggests that the main studio rule should be amended to give broadcast stations an option in determining where to locate the station's main studio. Location of the main studio should be allowed either within the principal community contour of any station licensed to the same community or within a 40-mile radius of the community center. NAB's proposed amendment would allow commonly owned stations to achieve greater efficiencies by consolidating several main studios. Also, all stations would benefit from the greater flexibility provided by the proposal. The public will still have "reasonable accessibility" due to the increase in modern transportation services. NAB does not support other proposals that base "reasonable accessibility" on: (1) the discretion of the licensee; or (2) a driving time distance measurement. These proposals do not provide enough certainty for licensees, the Commission or the public.

NAB also suggests that the local public inspection file rule should be amended to allow location of the public file at the main studio, wherever located. Adoption of the proposal will allow licensees to have control and maintenance of one public file. The public will have the benefits of knowing the exact location of the file and having reasonable accessibility to a complete and current public file.

NAB generally supports the proposed modifications to the public inspection file rules regarding content requirements and retention periods. The rule should be clarified to eliminate inconsistencies and out-of-date requirements. Additionally, NAB believes the retention period for annual ownership reports should be reduced to four years. Also, licensees should be allowed to remove certain applications from the public file once those applications are no longer pending before the Commission. The Commission should also maintain the current retention period of three years for all letters from the public, even letters received by television stations regarding “violent programming.”

NAB opposes the adoption of any requirement to maintain the public file on the Internet. A station should have the option of maintaining its public file on its web page, but the rule should not be modified to require an “electronic” public file.

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**COMMENTS OF THE  
NATIONAL ASSOCIATION OF BROADCASTERS**

**I. INTRODUCTION**

The National Association of Broadcasters ("NAB")<sup>1</sup> submits the following Comments in response to the above-captioned *Notice of Proposed Rule Making* ("Notice").<sup>2</sup> NAB generally supports the proposals in the *Notice* that will provide the maximum flexibility for licensees in regards to the location of a station's main studio<sup>3</sup> and public inspection file.<sup>4</sup> We also support any modification of the retention periods for the public inspection file rules that lessen the recordkeeping burden of licensees.

In particular, NAB believes that the public would still be served if the main studio and public inspection file were located at a place that is reasonably accessible to the public. Further, NAB supports the proposal that reasonable accessibility is maintained if the main studio is

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<sup>1</sup> NAB is a non-profit, incorporated association of radio and television stations and broadcast networks that serve and represent the American broadcasting industry.

<sup>2</sup> *Notice of Proposed Rule Making* in MM Docket No. 97-138, FCC 97-454 (May 28, 1997).

<sup>3</sup> 47 C.F.R. § 73.1125 (1996).

<sup>4</sup> 47 C.F.R. § 73.3526 (local public inspection file rule for commercial stations) and § 73.3527 (local public inspection file rule for noncommercial stations)(1996).

located either within the principal community contour of any station licensed to the community or if the studio is located within a 40-mile radius of the community center. Logically, the public inspection file rule should be amended to allow the public file to be maintained at the main studio, wherever located because the file would still be reasonably accessible to the public at the main studio and would provide greater efficiency for licensees.

NAB welcomes the opportunity to provide comment on the additional proposals surrounding the content requirements of the public inspection file. NAB generally supports the Commission's proposals for modification of the content requirements and retention periods for the local public inspection file. Irrelevant and outdated provisions should be deleted. Retention periods should be reviewed and, in some cases, reduced to lessen the burden on licensees.

Review and modification of the above captioned rules comes at an opportune time. Licensees should be given the opportunity to benefit from increased efficiencies that can be afforded them with the proposed modifications to both the main studio and public inspection file rules.

## **II. MAIN STUDIO RULE**

### **A. The Main Studio Rule Should Be Modified To Allow Location Of The Main Studio Either Within The Principal Community Contour Of Any Station Licensed To The Same Community Or Within A 40-Mile Radius Of The Community Center, Whichever Is More Flexible For The Licensee.**

#### **1. Background**

In 1987, the Commission relaxed the main studio rule to allow stations to locate its main studio within the station's own principal community contour.<sup>5</sup> The Commission based its decision on the fact that a studio in the community of license was no longer required due to:

(1) technology that allows the broadcast of programming from distant points; (2) primary communication with stations by phone or mail; and (3) growth of highways and mass transit systems.<sup>6</sup> The Commission also noted that relaxation would allow stations greater efficiencies.<sup>7</sup>

This reasoning has not changed in the last ten years, and further relaxation is warranted to allow stations more flexibility. The 1987 relaxation was designed to allow stations more flexibility while still ensuring the studio remain within the station's market and near the community of license.<sup>8</sup> The connection with the community of license will still be present. The proposed rule will still require a station to locate its main studio either within a principal community contour of a station that is also licensed to the same community, or within a radius that encompasses the community of license. A reasonable geographic tie to the local community will be maintained, but greater flexibility will be afforded licensees.

**2. Relaxation would provide greater flexibility for licensees.**

In its *Notice*, the Commission outlines several reasons that warrant further relaxation of the main studio location. NAB believes allowing a studio location within any principal community contour or a specified radius will provide greater and reasonable flexibility for licensees.

First, greater flexibility is needed to provide efficiencies for commonly owned stations. Whether a licensee owns two stations or eight stations in one market, certain economies of scale can be achieved if that licensee were allowed to co-locate the main studios for the stations at the same place. The current rule may not provide this flexibility. Amendment of the rule may allow

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<sup>5</sup> *Amendment of Sections 73.1125 and 73.1130 of the Commission's Rules*, 2 FCC Rcd 3215 (1987).

<sup>6</sup> *Id.* at 3218.

<sup>7</sup> *Id.*



stations to consolidate the studios and save the cost of operating in separate facilities. Further, as the *Notice* points out, the Commission took into consideration the efficiencies that would result from its earlier amendment to the radio ownership rules.<sup>9</sup> The Commission expressly noted that consolidation of resources of commonly owned stations could help improve the diversity of programming to the public.<sup>10</sup> Without amendment of the main studio rules, commonly owned stations may not be able to achieve these efficiencies because the rules could restrict the consolidation of the main studios at a central location.

Second, amendment of the rule would provide stations with increased mobility without the burden of having to petition the Commission for a waiver. Third, the proposed amendment will eliminate the current disproportionate burdens on smaller stations. As the Commission noted in the *Notice*, smaller stations do not have the same flexibility as larger stations because their principal community contours are much smaller than high power stations.<sup>11</sup>

The rule should also be modified to provide the option of locating a main studio within a specified radius of the community of license to allow flexibility in situations where principal community contours of stations in the market may still limit licensees. The radius option would also be useful in situations where there is only one station licensed to a community. The station would not be afforded any more flexibility if the rule were only to allow movement within a principal community contour of any station. There would not be any other contour for the station to utilize.

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<sup>8</sup> *Maines Broadcasting, Inc.*, 8 FCC Rcd 5501, 5502 (1993).

<sup>9</sup> *Notice* at n. 18. The Commission cites to its reasoning in amending the radio ownership rules in *Revision of Radio Rules and Policies*, 7 FCC Rcd 2755, 2760-61 (1992), *on recon.*, 7 FCC Rcd 6387 (1992), *on further recon.*, 9 FCC Rcd 7183 (1994).

<sup>10</sup> *Id.*

<sup>11</sup> *Notice* at 4.

Moreover, a set limit of a 40-mile radius is smaller than the largest principal community contour of the typical high power FM station or the largest contour for television stations.<sup>12</sup> Thus, the option would provide virtually the same flexibility in terms of area size as the option that locates a main studio within the principal community contour of any station licensed to that same community.

Allowing the re-location of studios to any principal community contour licensed to the community or within a specified radius would provide similar and reasonable cost savings for all stations regardless of size or class. NAB's proposed relaxation of the main studio rule would still provide reasonable accessibility for the public.

### **3. Reasonable accessibility for public would still be retained.**

The public would still have reasonable accessibility to a main studio if the rule were modified as proposed. The same reasoning found in the 1987 relaxation order holds true today. The public mainly contacts stations by phone or by mail. If the public decides to travel to the studio itself, there usually are accessible routes to main studios through mass transit or modern highways.

The Commission did express concern that relaxing the rule would alienate small station listeners because the studio could be moved a fair distance away from the station's listening audience. NAB believes that the arguments for allowing the greater flexibility are the same for the smaller stations as well. If a small station listener would choose to contact the station, it will probably be over the phone or by mail. Further, based on modern transportation services the public would still be able to reach the station no matter where it is located.

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<sup>12</sup> Notice at 6, n.19. The maximum radius for a Class C FM contour is 42.3 miles. The maximum radius for television channels 7-13, Zones II, III is 44 miles.

**4. Burden on the Commission would be lessened.**

The Commission should also consider that its burden would be lessened if the main studio rule were relaxed. The proposed rule provides a clear guideline on where a licensee may locate the main studio. Each station has a definable principal community contour that will provide the area that a main studio can be located. The radius option is a set distance of 40 miles from the designated community center, and also will provide a clear guide for the limits of the option. The Commission would also not have to process as many waiver requests because licensees would have a larger universe of locations from which to choose that would be reasonably accessible to the public without FCC review.

**B. Other Proposals To Determine The Location Of The Main Studio Should Be Rejected Because They Do Not Provide The Same Benefits And Flexibility To The Public Or Licensees.**

**1. Determination of “reasonably accessible” should not be at the discretion of the licensee.**

The Commission asks for comment regarding the viability of allowing licensees, at their discretion, to decide what is reasonably accessible when choosing a location for their main studio.<sup>13</sup> The Commission questions the soundness of this proposal because it appears to be uncertain in that it does not provide enough guidance to both licensees and the public on an appropriate place for the main studio location.<sup>14</sup>

Although allowing licensees the discretion to choose where to locate their main studio would provide greater flexibility for stations, NAB agrees that the proposal may not be in the best interest of either the licensees or the public. The subjectivity involved in allowing this type of discretion places a burden on the Commission and stations.

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<sup>13</sup> Notice at 7.

Stations would not know if their choice of a location would be in compliance with the FCC rules until a complaint is made by a member of the public and the FCC determines if the licensee's discretion was in the best interest of the public. Considering the time and expense involved in finding and moving a main studio, allowing a station to use its discretion in locating a place that could be found to be inaccessible by the Commission is not a sound rule. Likewise, the Commission is burdened because it would potentially face reviewing petitions for determining whether the licensee's choice of a main studio location is reasonably accessible to the public.

Therefore, the proposal that would allow licensees the discretion in choosing a location for the main studio should not be supported because of the uncertainties involved. Instead, the Commission should adopt a clear rule which would give stations increased flexibility by allowing them to locate a main studio in a principal community contour of any station licensed to the community, or by locating the studio within a set radius from the community center.

**2. Determination of "reasonably accessible" should not be based on driving time.**

In determining what is "reasonably accessible" to the public, distance traveled is one of the factors to be considered. However, measuring the appropriate distance by how long it takes to drive to a main studio is not the most reliable way to determine what is "reasonably accessible."

Setting a maximum drive time (e.g. 30 minutes)<sup>15</sup> does not set a determinable distance. There are many factors to consider when calculating distance in terms of minutes. What takes 30 minutes for one person to drive may take another person 40 minutes, depending on route, time of

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<sup>14</sup> *Id.*

day and geography. This proposal does not provide stations or the Commission with enough guidance to determine whether a location is “reasonably accessible.” Therefore, as the Commission noted, this proposal should not be adopted based on its uncertainty.<sup>16</sup> A straight mileage radius would provide the necessary guidance to stations for compliance with the main studio rule.

**3. The FCC waiver policy should not be the determining factor in the location of the main studio.**

Currently, the Commission allows stations to petition for a waiver of the main studio location restriction when the station provides “good cause.”<sup>17</sup> Typically, the Commission requires a station to show two things: (1) there are no alternative locations within the stations principal community contour that are adequate; and (2) the public interest will still be served by the station operating at a location outside the contour.<sup>18</sup>

The waiver policy is necessary in order to provide some flexibility in the current rule that may not provide enough feasibly viable options for smaller stations. This waiver policy is a regulatory burden on those stations that need to seek Commission approval for a location that would still be in the public interest, but outside the current rule perimeters. Although the Commission is always required to entertain waiver requests,<sup>19</sup> it should not place an excessive administrative burden on itself by retaining the current main studio rule.

As more consolidation of station ownership continues, the Commission faces the potential increase in the number of petitions asking for waiver of the main studio rule. The

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<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> 47 C.F.R. § 73.1125(a)(4).

<sup>18</sup> See *Maines Broadcasting, Inc.*, 8 FCC Rcd 5501 (1993).

<sup>19</sup> See, e.g., *WAIT Radio v. FCC*, 418 F.2d 1153 (1969).

Commission can eliminate the burden imposed by reviewing these petitions in one action — by relaxing and amending the rules — and not adopting the proposal to require stations to seek administrative review of their choice for a main studio location.

Adoption of NAB's proposed relaxation options would reduce the need for a waiver policy. Stations would have increased flexibility in choosing locations within any principal community contour, or within the specified radius. These two options have the potential of providing numerous locations to stations without the need for Commission pre-approval. However, NAB does recognize that there may be a situation in which a location may be outside both of the options. In these rare situations, there would be a need for the Commission to determine if waiver of the rule is appropriate. The current criteria for waivers would appear to be an adequate test for approval of a location that does not meet the proposed rule.

### **III. PUBLIC INSPECTION FILE RULE**

#### **A. The Public Inspection File Rule Regarding Location Should Be Amended To Provide Efficiencies To Licensees.**

##### **1. The public inspection file rule should be modified to allow the public file to be located at the station's main studio, wherever located.**

NAB strongly supports the adoption of the proposal that would allow a station to maintain the public inspection file at the main studio, wherever located. Currently, the rules require the public file to be located within the community of license.<sup>20</sup> If a station's main studio is located outside the community of license, it must maintain the file at an accessible place within the community.<sup>21</sup> Typically, this means a station will maintain two public files: one at the main

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<sup>20</sup> 47 C.F.R. § 73.3526(d) and § 73.3527(d).

<sup>21</sup> *Id.*

studio and one within the community of license. Therefore, the current rule causes unnecessary expense on the part of licensees.

In the past, NAB has encouraged the Commission to eliminate the requirement that the public file be located within the community of license, even if the main studio is located elsewhere.<sup>22</sup> The main studio is the most logical place for a public file to be located. Further, few members of the public actually seek out public files that are maintained at locations other than the main studio. Finally, whether under the current rules or the proposed rules, a station's main studio location will be reasonably accessible to the public. If the studio is reasonably accessible, then any public file located at the main studio is reasonably accessible. Amending the rule would provide increased efficiencies and flexibility for stations, and would still benefit the public.

**a. Efficiencies will be provided to stations by allowing the public inspection file to be located at main studio.**

A licensee would be provided increased efficiencies if it were allowed to maintain one public file at its main studio no matter where that main studio is located. First, maintenance of one public file will cut the cost to stations that also maintain an off-premises file. Stations will not have to pay the additional cost of copying the required documents for the alternate file.<sup>23</sup> Stations would also not have to continue to pay any fees for the space the off-premises file occupies, if any fees were charged.<sup>24</sup> Second, licensees will have control of the file themselves, without any third party intervention. This daily supervision lessens the chance that destruction or

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<sup>22</sup> See NAB's *Petition for Partial Reconsideration and Clarification*, MM Docket No. 86-406, filed July 7, 1987.

<sup>23</sup> See Reply Comments of Odyssey Communications, Inc., *Amendment of 73.3526(d)*, RM Nos. 8855, 8856, 8857, filed Sept. 27, 1996.

<sup>24</sup> *Id.*

loss of documents would occur when the public views the file. Third, locating the public file at the main studio allows licensees update the file “immediately.” Licensees are required to place any political broadcasting access requests in their public file as soon as they are received, i.e. immediately.<sup>25</sup> Stations will be able to fulfill this related FCC obligation in a more timely fashion than currently provided if the public file is located off-premises.

**b. Benefits will be provided to the public by allowing the public inspection file to be located at main studio.**

All of the efficiencies that are provided to broadcasters by relaxation of the public file rule will benefit the public. First, relaxation will provide the public with certainty in the location of the file. As stated above, the main studio is the most logical place for a person to inquire about station information contained in the public file. Second, location at the main studio will ensure that the person seeking the information gets the most current information because stations will have the ability to quickly update the file, and be able to make sure it is properly maintained with the required documents. Third, if the inquiring person needed assistance in locating a particular document, the proper and more knowledgeable station personnel are available to assist.

**2. Other proposals regarding access to the public file should not be adopted because of unnecessary burden on licensees.**

NAB disagrees with the proposal that stations should be required to provide an alternative to members of the public who are unable or unwilling to visit the main studio to inspect the public file. The Commission requested comments on the proposal that stations should be required to accommodate the public by providing: (1) free transportation to the main studio; (2) delivery of the public file to the requestor; or (3) documents by mail.<sup>26</sup>

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<sup>25</sup> 47 C.F.R. § 73.1943 (1996).

<sup>26</sup> See Notice at 9.



In comments filed by NAB in general support of the petitions at issue in this rule making, we stated that requiring licensees to provide any of the three alternatives would unnecessarily burden stations and would likely increase the number of frivolous requests for public file documents.<sup>27</sup> We asserted that due to the accessibility of most, or all, main studios through major highways, city streets or mass transit, including transportation for disabled or elderly persons, licensees should not be required to provide free transportation.<sup>28</sup> As stated previously, there are relatively few instances where a member of the public would not be able to visit a main studio, and stations should not be required to accommodate anyone who is merely unwilling to visit a station.<sup>29</sup>

Likewise, bringing the public file to the person who requests it would involve additional unnecessary costs to stations due to expenditure of staff time and resources in transporting the entire file to anyone that requests it.<sup>30</sup> The Commission should also consider that transporting the file off-premises to a single individual would inconvenience any other member of the public who might visit the main studio to inspect the public file.<sup>31</sup>

Finally, requiring a station to take requests over the phone or by mail would also involve unnecessary costs to stations. The Commission should consider the type of requests for documents that are typically made by the public — either a document that is not a public record

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<sup>27</sup> See NAB Comments, *Amendment of Section 73.3526(d)*, RM-8855 - RM-8857, filed Sept. 12, 1996, at 4.

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> *Id.* The Commission should keep in mind that the size of many public inspection files could exceed an entire filing cabinet.

<sup>31</sup> *Id.*

or political broadcasting documents. If a station were required to respond to these requests by mail or phone, the expenditure of staff time and resources would greatly increase.<sup>32</sup>

The current rule requires location of the public file “any accessible place.”<sup>33</sup> The location of the public file at the main studio, wherever located still provides this access because the main studio is also required to be reasonably accessible. Requiring stations to provide any of the alternatives proposed is a burden that far outweighs the benefits.

**B. The Public Inspection File Rules Regarding Content Requirements Should Be Amended And Clarified.**

**1. The public inspection file rules should be amended to eliminate inconsistencies and out-dated requirements.**

In the *Notice*, the Commission proposed to delete and clarify various parts of the local public inspection file rules. NAB supports all of the proposed amendments.

The deletion of the requirement for stations to keep the 1974 “The Public and Broadcasting” manual is an amendment long overdue. NAB sought out and achieved suspension of enforcement of this particular aspect of the rule, and supports the decision to eliminate the obsolete publication from a station’s public file. NAB also agrees with the Commission that both the deletion of the reference in Section 73.3526(a)(11) to the maintenance of reports required under the repealed “syn/fin” rules, and the deletion of the note under Sections 73.3526(a)(1) and 73.3527(a)(1) are warranted. This note does not have any present regulatory purpose, and should be removed from the rules. By removing these requirements from the local public inspection file rules, the Commission will alleviate irrelevant regulations on broadcast stations, and provide better guidance on the requirements of a station’s public file. Additionally,

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<sup>32</sup> *Id.* at 5.

<sup>33</sup> 47 C.F.R. § 73.3526(d) and § 73.3526(d).

the cross-reference to the rules regarding a licensee's political file should be amended in order for stations to be properly informed of all of the rules that they are required to follow.

**2. The public inspection file rules should be clarified to establish the required maintenance after assignment of license.**

NAB supports the proposal that would remove the requirement that an assignee maintain the public file with licensee-specific documents of the assignor after consummation of a transfer of license. As the *Notice* suggests, the new licensee should only maintain the information that is licensee-specific. However, if the documents pertain to the station facilities, it should be retained by the assignee.<sup>34</sup> The Commission's *Report and Order* in this proceeding should articulate which documents would be considered "station-specific," as opposed to "licensee-specific" in order to provide licensees with more guidance.

**3. The phrase "all written comments and suggestions" should be defined as including electronic mail (e-mail) messages from the public.**

NAB supports the proposal that "all written comments and suggestions" from the public required by section 73.1202(a) should include electronic (e-mail) messages. There is not a great difference between letters received from the public through the traditional method or from the new electronic method. Stations can print out the messages and retain that hard copy in the public file for the three-year retention period. The rule should be modified to clarify the scope of "all written comments and suggestions." Also, stations should be given the option to maintain the e-mail messages in electronic form as long as the messages are available to the public.

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<sup>34</sup> Notice at 13.

**C. The Public Inspection File Rules Regarding Retention Periods For Specific Documents Should Be Amended To Provide Clarity.**

- 1. The rules should be amended to correspond to new license terms of eight years, and to retain those documents “until the grant of the renewal application is no longer subject to appeal.”**

References in the rule should be amended to reflect the change in the length of the license term to eight years. The amendment would eliminate any chance of confusion by licensees about the length of time documents are kept. The public should also be allowed access to any renewal-related information during any appeal period after renewal has been granted. NAB agrees with the Commission that access would “facilitate monitoring of licensee performance by interested parties as well as their participation in the license renewal process.”<sup>35</sup> Clearly, once the term is expired, renewal is granted and the renewal is not subject to further appeal, those documents should be removed from the public file because they are no longer relevant to the current license term.

- 2. Retention periods should be modified to lessen burden on licensees.**

Although NAB supports the above modifications to provide clarity in the exact length of time certain documents are to be retained, there are certain document retention periods that should be reviewed to reduce the recordkeeping burden on broadcasters.

- a. Annual ownership reports**

Currently, ownership reports are retained in the public file for “one license term or until the grant of the first renewal application ...whichever is later.”<sup>36</sup> NAB questions the need to retain the annual ownership reports for the minimum requirement of eight years. The rule should be modified to allow the retention of the most current ownership report, as well as the three

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<sup>35</sup> *Id.* at 14.

previous reports. Retention of only four years will reduce the burden on the licensee, but give the public ample information regarding the transfer of ownership of the station.

**b. Letters from public**

Licensees must retain all letters from the public for three years.<sup>37</sup> Under a new statutory requirement, commercial and noncommercial television stations will be required to summarize all letters received from the public regarding violent programming and attach the summary to the its license renewal application.<sup>38</sup> Although the statute requires maintenance of the summaries for the license term, NAB believes that the retention period for the “violence” letters should also be subject to the current three-year retention period.

**c. Retention of certain applications**

NAB supports the proposal to reduce the retention period for certain applications. Clearly, applications for license assignment, transfer of control or major facilities modifications do not need to be maintained for “one license term or until the grant of the first renewal application ... whichever is later.”<sup>39</sup> The period of time that the public would be interested in these applications is during the time that they are pending before the FCC or in the courts. At the point when they are granted or denied, the public interest is no longer present. Thus, the application should be removed from the public file.

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<sup>36</sup> 47 C.F.R. § 73.3526(e)(2).

<sup>37</sup> 47 C.F.R. § 73.1202(a)(1) (1996).

<sup>38</sup> 47 U.S.C. § 308(d) (as amended by Section 204(b) of the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996)).

<sup>39</sup> 47 C.F.R. § 73.3526(e)(2).

**D. Licensees Should Have The Option, But Not Be Required To Maintain The Public Inspection File On The Internet Or In A Computer Database.**

NAB opposes Commission adoption of a requirement maintaining all or part of a licensee's public file on the Internet. The public will have access to the public file at a reasonably accessible location should there be a need to access the information in the public file. Many stations already have with their own web sites; but any information that is required to be maintained in a licensee's public file should only be maintained on an Internet web site at the discretion of the station.

Requiring a station to post the public file on the World Wide Web could pose an extra financial burden on stations. Stations that currently do not have Internet access would be required to incur the extra expense of purchasing the equipment, paying for access, establishing a web page and maintaining the information. Stations that are currently on-line will still incur additional expenses through the maintenance of the information. Many of the required public file documents would have to be electronically engineered or "scanned" in order to be placed in electronic form on a station's web page. Many public files are not small and can be of substantial size — perhaps even the size of a filing cabinet. The added expense of altering documents to electronic form could pose an additional burden on a station. The burden will not be present if the current rule is maintained, with an *option* for stations to maintain a public file on its web site, if they choose.

The same logic should be applied to the Commission's proposal to allow stations to maintain all, or parts of, the public file in a computer database at the main studio. The option would provide flexibility to stations in the maintenance of its public file, and the rule should be amended to provide for that option. Again, it should only be voluntary. Many stations may not

have the budget to allocate a terminal for the public file, nor the resources to maintain it electronically. Therefore, the rule should be amended to provide maintenance of the public file either: (1) in paper form; (2) in electronic form (either in a computer database or on a web page); or (3) a combination of both paper form and electronic form.

#### IV. CONCLUSION

For the reasons stated above, the Commission should modify the existing main studio and public inspection file rules to provide greater flexibility for licensees. Reasonable accessibility to the station and the public file will still be maintained with the proposed amendments. Additionally, clarification of the public file requirements will provide licensees with better guidance in order to comply with the Commission's rules.

Respectfully submitted,

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